

Attorney Ref. 20003.0074

REMARKS

This communication is in response to the nonfinal Office Action issued March 4, 2004. The Examiner objected to the information disclosure statement. The Examiner objected to claims 19-26 as containing informalities. The Examiner rejected claims 19-26 under 35 U.S.C. § 102 in view of U.S. Patent No. 5,421,098 to Muldoon (Muldoon).

Applicant Initiated Amendments

The Applicant has amended the written description above to indicate that the parent patent application has issued as U.S. Patent No. 6,644,102.

Information Disclosure Statement

In section 1 of the Office Action, the Examiner objected to the Information Disclosure Statement filed by the Applicant on August 21, 2003. Specifically, the Examiner cited the Applicant's failure to provide copies of the non-U.S. patent references as not complying with the U.S. Code of Federal Regulations.

The Applicant respectfully traverses the Examiner's objection. The Examiner's attention is kindly directed to 37 C.F.R. 1.98(d), which states:

A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the Office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120.

Since the present patent application relies upon U.S. Patent Application No. 10/051,058 for an earlier filing date and since such parent application is properly identified in the subject Information Disclosure Statement, no copies of the cited references were required.

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The Applicant respectfully requests that the Examiner withdraw the objection, review the cited references, and provide an initialed copy of the Form PTO-1449 indicating that all of the cited references have been considered.

Claim Objections

In section 2 of the Office Action, the Examiner objected to claims 19-26 as containing subject matter not shown or described in the specification. Specifically, the Examiner stated that the disclosed measurement member could not simultaneously indicate the loft angle and lie angle of the golf club.

The Applicant respectfully traverses the Examiner's objection. The Examiner's attention is kindly directed to Figure 2, which shows the lie angle indicator (91) and the loft angle indicator (92) coupled to each other through the post (88) and rig (86). Note that the rig is coupled to the carriage (78). Thus, the measurement member is able to be positioned such that it simultaneously indicates the loft angle and lie angle of the golf club.

In view of the foregoing, the Examiner's objection to the claims is believed to be overcome.

Claim Rejections Under 35 U.S.C. § 102

In section 3 of the Office Action, the Examiner rejected claims 19-26 under 35 U.S.C. § 102 in view of Muldoon.

It is well settled that for a rejection of a claim under 35 U.S.C. § 102 to be proper, each and every element as set forth in the claim must be found in a single reference. See, for example, MPEP § 2131. For at least the reasons stated below, the Examiner's rejections of the claims do not satisfy this burden.

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Muldoon appears to disclose a measuring device. However, in contrast to the Examiner's statement, the measurement member is not coupled to the carriage in an opposing relation to the clamping member. As seen in Figures 6-9, both the measurement member and the clamping member are on the same side of the golf club. Nor would modifying the Muldoon device to satisfy the claim requirements have been obvious (without the improper reliance upon the Applicant's disclosure).

Thus, not all of the claim recitations are met by Muldoon, and the rejections must be withdrawn. In view of the foregoing, the Examiner's rejection under 35 U.S.C. § 102 to the claims are believed to be overcome.

Additional Fees

While no fees are believed due in conjunction with this Response, the Commissioner is hereby authorized to charge any insufficiency or credit any overpayment associated with this application to Swidler Berlin Shereff Friedman, LLP Deposit Account No. 19-5127 (order no. 20003.0074).

Conclusion

Claims 19-26 are pending in the application, and are believed to be in condition for allowance. In view of the foregoing, all of the Examiner's objections to and rejections of the claims are believed to be overcome. The Applicant respectfully requests reconsideration and issuance of a Notice of Allowance for all claims. Should the Examiner feel further

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communication would help prosecution, the Examiner is urged to call the undersigned at the telephone number provided below.

Respectfully Submitted,



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